

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2006

Division: Growth Management

Bulk Item: Yes      No X

Department: Planning

Staff Contact Person: Jose Papa

**AGENDA ITEM WORDING:**

A public hearing to consider an ordinance to amend the Land Use district designation of one parcel located in the Maloney Subdivision from Urban Residential Mobile-Limited (URM-L) to Urban Residential (UR). The parcel is commonly known as Waters Edge Mobile Home Park and is located on Stock Island at approximate Mile Marker 5. The Real Estate number is 00124540.000000.

**[only one public hearing required]**

**ITEM BACKGROUND:**

The Development Review Committee (DRC) held a public hearing in Marathon on February 21, 2006 and based on the facts presented at the meeting, the DRC recommended approval of the Land Use District map amendment. The Planning Commission will hold a public hearing in Marathon on April 12, 2006 to consider and make a recommendation to the BOCC.

**PREVIOUS RELEVANT COMMISSION ACTION:**

On February 28, 1986 Monroe County amended the zoning of the subject property. Previously zoned RU-3, a multifamily land use district, the parcel was rezoned to Urban Residential Mobile (URM). This designation continued until 1996 when it was changed to Urban Residential Mobile Limited (URM-L). The county sponsored map amendment was approved during the January 17, 1996, Monroe County Board of County Commissioners meeting. The proposal included 10 mobile home parks on Stock Island, Florida; there was no public input at the meeting (Ordinance # 011-1996 and Rule 9J-14.038 F.A.C.).

**CONTRACT/AGREEMENT CHANGES:** N/A

**STAFF RECOMMENDATIONS:** Approval

**TOTAL COST:** N/A

**BUDGETED:** Yes      No N/A

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes N/A No      **AMOUNT PER MONTH** N/A **Year**     

**APPROVED BY:** County Attorney      OMB/Purchasing      Risk Management     

**ACTING DIVISION DIRECTOR APPROVAL:**     

*Ronda Norman*  
Ronda Norman

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**

MONROE COUNTY  
LAND USE  
DISTRICT  
MAP  
AMENDMENT  
FROM  
URBAN RESIDENTIAL MOBILE LIMITED  
(URM-L)  
TO  
URBAN RESIDENTIAL  
(UR)

**BOARD OF COUNTY COMMISSIONERS  
KEY WEST  
APRIL 19, 2006**

# LAND USE DISTRICT MAP AMENDMENT

**A REQUEST BY THE ITNOR CORPORATION TO AMEND THE  
LAND USE DISTRICT MAP FROM URM-L TO UR FOR RE #  
00124540.000000 OF MALONEY SUBDIVISION, STOCK ISLAND.**

## RECOMMENDATIONS

Staff: **Approval**  
DRC: **Approval**  
PC: **Approval**

February 21, 2006  
February 21, 2006  
April 12, 2006

Staff Report  
Resolution # 20-06  
Resolution #P 47-06

BOCC Ordinance to  
Amend the Land Use District Map

**ORDINANCE NO.       -2006**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY ITNOR CORPORATION TO AMEND THE LAND USE DISTRICT FOR THE FOLLOWING PROPERTY FROM URBAN RESIDENTIAL MOBILE-LIMITED (URM-L) TO URBAN RESIDENTIAL (UR). THE PROPERTY IS PHYSICALLY LOCATED ON LAUREL AND 2<sup>ND</sup> AVENUE AND IS LEGALLY DESCRIBED AS STOCK ISLAND MALONEY SUB PB1-55 LOTS 1 THRU 7 & ADJ BAY BTM LOTS 11 TO 21 INC SQR 32 G48-164-65, STOCK ISLAND, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBER IS 00124540.000000, AT APPROXIMATE MILE MARKER 5.

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**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on April 19, 2006 conducted a review and consideration of the request filed by Itnor Corporation to amend the Land Use District Map of the following property from Urban Residential Mobile-Limited (URM-L) to Urban Residential (UR). The Future Land Use designation is Residential High (RH); and

**WHEREAS**, at its February 21, 2006 meeting in Marathon, the Development Review Committee (DRC) reviewed the application and recommended approval of this Future Land Use Map amendment as indicated in the DRC Resolution D 03-06; and

**WHEREAS**, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

**WHEREAS**, the Planning Commission held a public hearing in Marathon on April 12, 2006 and based on the facts presented at the meeting, the Planning Commission recommended \_\_\_\_\_; and

**WHEREAS**, after further review of the application and consideration of facts, staff recommended approval to the Board of County Commissioners as indicated in the Staff Report dated March 31, 2006; and

**WHEREAS**, the Board of County Commissioners further reviewed the application and made the following **Finding of Facts**:

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.

2. This map amendment is predicated on item number iv of Section 9.5-511(d)(5) which cites “new issues” as a viable reason to pursue a map amendment and zoning change. The relevant new issues are Staff’s recommendation for a land use map change and the proposed AICUZ map which states that mobile homes should be prohibited.
3. The pre-1986 zoning of the property was Multiple Family Residential District (RU-3). This designation is consistent with the established residential use of the property.
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use (zoning) district of the subject property was changed from RU-3 to URM. This designation continued until 1996 when it was changed to Urban Residential Mobile Limited (URM-L).
5. **Section 9.5-205.1 states that the purpose of the URM-L District** is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.
6. **The Future Land Use Map (FLUM)** of the Monroe County Year 2010 Comprehensive Plan designates the subject property as Residential High (RH).
7. **Policy 101.4.4** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the RH category is to provide for high density single family, multifamily, and institutional residential development, including mobile homes and manufactures housing, located near employment centers.
8. **Pursuant to Policy 101.4.21**, the density and intensity standards of the **Residential High (RH)** Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation.
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.

**WHEREAS, the Board of County Commissioners made the following Conclusions of Law:**

1. The proposed map amendment meets the fourth (iv) criteria outlined in Section 9.5-511 of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the subject property or the immediate vicinity. Whereas URM-L restricts the residential type to mobile homes, UR expands the residential types to attached and detached. The proposed AICUZ

states that mobile homes are not compatible and should be prohibited in the Noise 2 Zone.

2. The density and intensity standards of the Residential High (RH) Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation and are thus supported by Policy 101.4.21.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described properties, which are currently designated Urban Residential Mobile Limited (URM-L) shall be designated Urban Residential (UR) as shown on the attached map, which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 6. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 7. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission Approving the ordinance.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 19<sup>th</sup> day of April, A.D., 2006.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Murray Nelson  
Commissioner George Neugent  
Commissioner David Rice  
Commissioner Dixie Spehar

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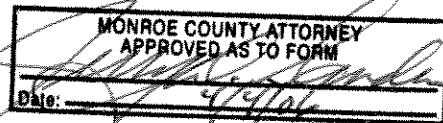
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

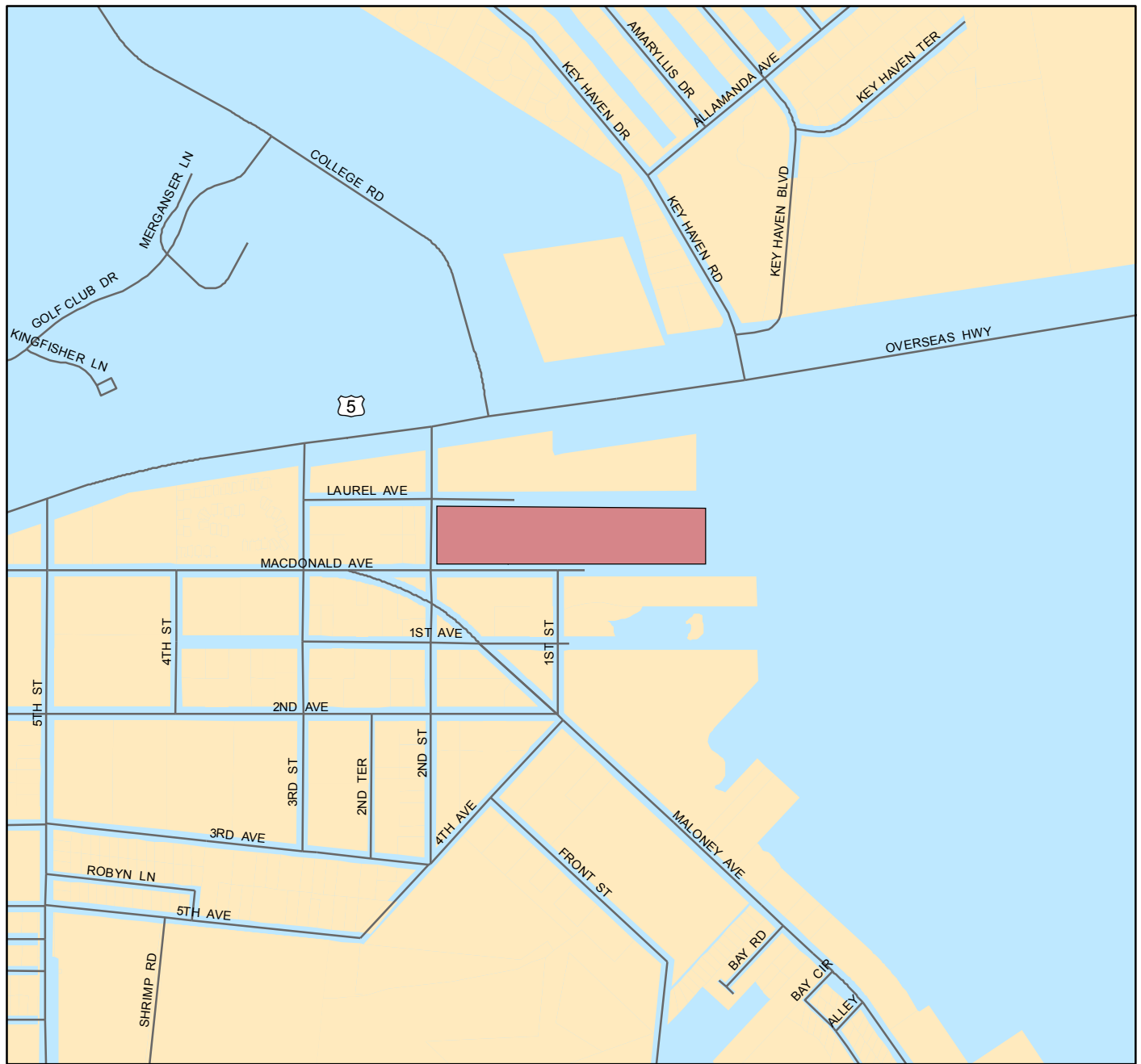
BY \_\_\_\_\_  
*Charles "Sonny" McCoy*

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK





## Proposed Land Use District Map Amendment: Street Map

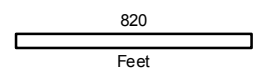
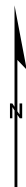
Key: Stock Island

Mile Marker: 5

Proposal: Change Land Use District from Urban Residential Mobile-Limited (URM-L) to Urban Residential.

Property Description: RE 00124540.000000

Map Amendment: M25071





## Proposed Land Use District Map Amendment: Aerial

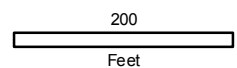
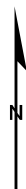
Key: Stock Island

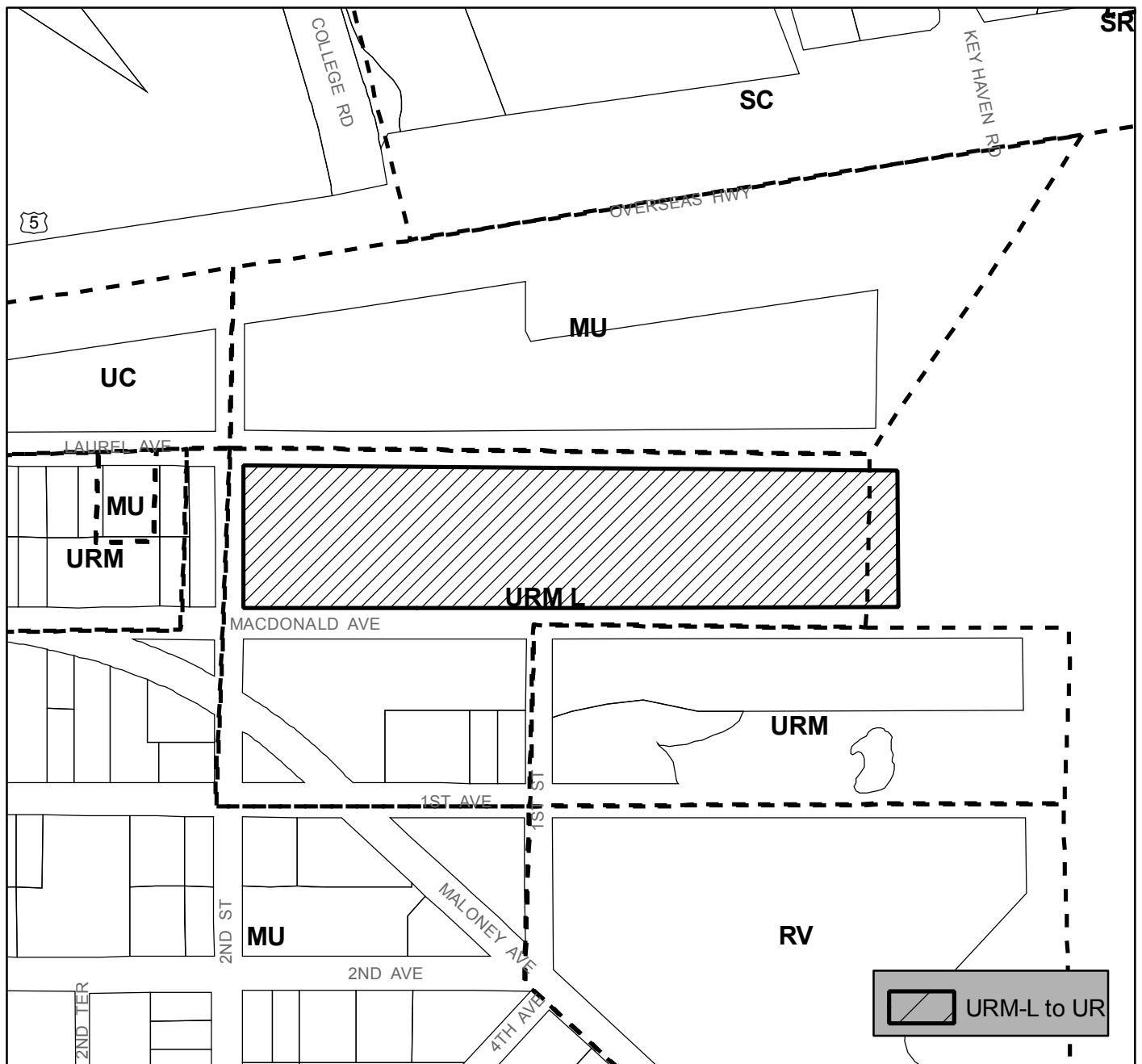
Mile Marker: 5

Proposal: Change Land Use District from Urban Residential Mobile-Limited (URM-L) to Urban Residential.

Property Description: RE 00124540.000000

Map Amendment: M25071





**The Monroe County Land Use Map is proposed to be amended  
as indicated above and briefly described as:**

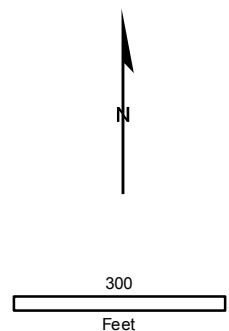
Key: Stock Island

Mile Marker: 5

Proposal: Change Land Use District from Urban Residential Mobile-  
Limited (URM-L) to Urban Residential

Property Description: RE 00124540.000000

Map Amendment: M25071



# BOCC STAFF REPORT

# MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** Heather Beckmann, Senior Planner  
Andrew Omer Trivette, Senior Biologist

**RE:** Land Use Map Amendment

**DATE:** March 31, 2006

**MEETING DATE:** April 19, 2006

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**EXISTING FUTURE LAND USE DESIGNATION:** Residential High (RH)

**PROPOSED FUTURE LAND USE DESIGNATION:** Residential High (RH)

**EXISTING ZONING DESIGNATION:** Urban Residential Mobile-Limited (URM-L)

**PROPOSED ZONING DESIGNATIONS:** Urban Residential (UR)

**PROPERTY OWNER:** Itnor Corporation

**AGENT:** The Craig Company

## PROPERTY INFORMATION

**Key:** Stock Island

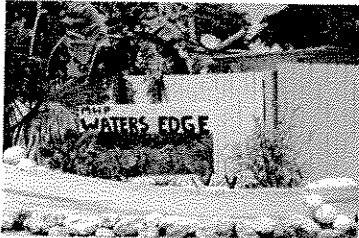
**Size:** 3.17 acres

**Approximate Mile Marker:** 5

**RE #:** 00124540.000000

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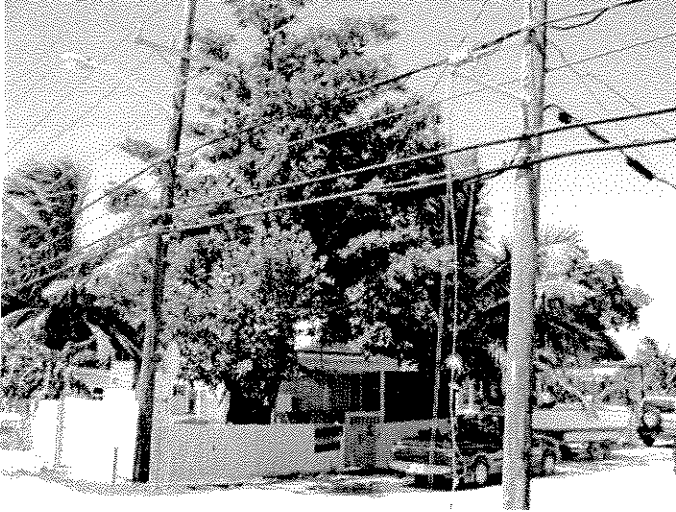
## **Location Brief and Detail.**



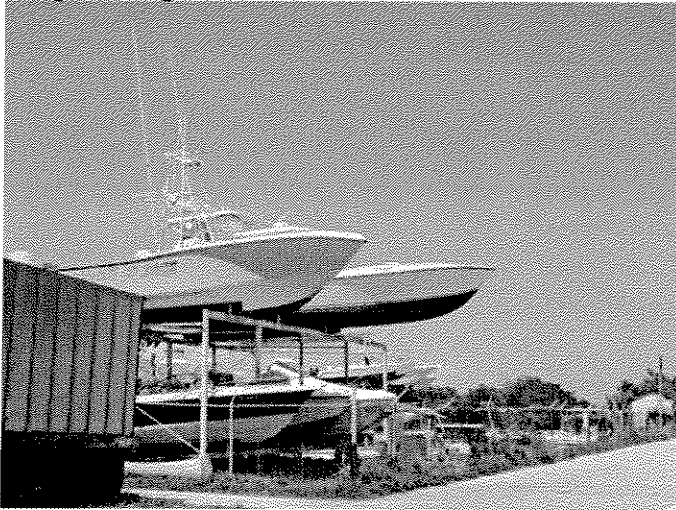
Waters Edge Mobile Home Park has an Occupational License with the County dating back to 1973.

**Existing Habitat:**

The site is scarified. The proposed map changes will not adversely impact environmentally sensitive lands or natural resources.

**Existing Use:**

Currently used as a mobile home park with 66 units comprised of mobile homes and RV's.

**Neighboring Land Uses and Character:**

The surrounding land uses vary from Mixed Use (MU), Urban Residential Mobile (URM), and Urban Residential (UR). Murray Marine Sales is to the North and a mobile home park is to the South. Mixed Use development is situated to the West including an animal shelter and Fire Station to the southwest.

**LAND USE HISTORY AND ZONING HISTORY**

## *LAND USE HISTORY*

Monroe County records search revealed that the first permit was issued for the mobile home park in 1975.

## *ZONING HISTORY*

### **Pre-1986 Zoning:**

Records search indicates the lots were all zoned RU-3 (multiple family residential district) since the inception of the Monroe County zoning until 1986 when the land use designation changed.

**Pursuant to Section 19-197 of the pre-1986 zoning code, the RU-3 multiple-family residential district zoning category was intended to “...provide areas in which multiple-family dwellings or apartments may be constructed and occupied with the amenities of a protected living environment.”**

Principle uses permitted in RU-3 zoning district included: multiple family dwelling apartments for rent or sale, single or multiple ownership. Accessory uses permitted included cocktail lounges, clubhouses, swimming pools, tennis courts, storage and service buildings, managers office, and boat storage buildings and boat docks for the exclusive use of the occupants or owners of units within the project and their guests.

During the 1986 Comprehensive Plan process, the subject property was given the Urban Residential Mobile (URM) land use designation. This designation continued until 1996 when it was changed to Urban Residential Mobile Limited (URM-L). The county sponsored the map amendment was approved during the January 17, 1996, Monroe County Board of County Commissioners meeting. The proposal included 10 mobile home parks on Stock Island, Florida; there was no public input at the meeting (Ordinance # 011-1996 and Rule 9J-14.038 F.A.C.).

**Pursuant to Section 9.5-205.1, the purpose of the URM-L district** is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.

### **Considerations During the 2010 Comprehensive Plan Process:**

The site has a future land use designation of Residential High (RH). **Policy 101.4.4** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the RH category is to provide for high density single family, multifamily, and institutional residential development, including mobile homes and manufactures housing, located near employment centers.

Policy 101.4.21 assigns density and intensity standards for the future land use categories. The Residential High (RH) Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation.

Changes to Boundary Considerations Since 1986:

None.

**ANALYSIS AND RATIONALE FOR CHANGE (fill in any if they apply)**

**Changed Projections or Assumptions:**

None.

**Data Errors:**

None.

**New Issues:**

The URM-L land use district restricts the type of residential uses to mobile homes. Modular homes are prohibited. As an attempt to reclassify a modular as a mobile, the applicant expressed an interest in placing a chassis beneath the modular. Staff explained that the difference between a mobile and modular is a difference in manufactured design, and that a chassis would not suffice to reclassify the modular as a mobile.

In a letter of understanding written on February 15, 2005, staff recommended a land use map change to one which would permit detached residential dwellings, as well as a community park. The proposed UR land use district permits attached residential as a minor conditional use provided that sufficient common areas for recreation are provided to serve the number of dwelling units proposed to be developed. In addition all entryways are designed and lighted to allow safe and secure access to all structures from walks and parking area.

The NAS Key West AICUZ map of 1977 was updated via a report dated May 2004. This map has not yet been adopted by the County however this parcel is located in noise Zone 2. According to the suggested land use compatibility chart titled *Suggested Land Use Compatibility in Noise Zones*, mobile homes are not compatible and should be prohibited in Noise 2 Zones. Other residential types are discouraged however where the community determines that residential uses must be allowed, measures to achieve a noise level reduction should be incorporated into building codes.

**Recognition of a Need for Additional Detail or Comprehensiveness:**

None.

**IMPACT AND POLICY ANALYSIS**

**Comparison of Development Potential for the Current and Proposed Land Uses:**

## *1. Current Land Development Regulations (LDR's)*

**Section 9.5-205.1 states that the purpose of the Urban Residential Mobile District Limited (URM-L)** is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.

Uses permitted *as-of-right* include:

- Mobile homes;
- Recreational vehicles, as provided in F.S., Ch. 513;
- Home occupations--Special use permit required;
- Accessory uses;
- Tourist housing uses, including vacation rental uses, are prohibited except in gated communities which have (a) controlled access and (b) a homeowner's or property owner's association that expressly regulates or manages vacation rental uses;
- Collocations on existing antenna-supporting structures, pursuant to article VII, division 16, section 9.5-434.5(c) "Collocations of an existing antenna-supporting structure.";
- Satellite earth stations less than two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations.";
- Wastewater nutrient reduction cluster systems that serve less than ten (10) residences;

Uses permitted as *minor conditional uses* include:

- Replacement of an existing antenna-supporting structure pursuant to article VII, division 16, section 9.5-434.5(b) "Replacement of an existing antenna-supporting structure."
- Stealth wireless communications facilities, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(e) "Stealth wireless communications facilities."
- Satellite earth stations greater than or equal to two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations."

Uses permitted as *major conditional uses* include:

- Marinas,
- Commercial retail of low intensity of less than twenty-five hundred (2,500) square feet of floor area.

## *2. Proposed Land Use District*

**Section 9.5-219 states that the purpose of the Urban Residential (UR) District** is to provide appropriate areas for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multifamily dwellings. This district should be established at or near employment centers.

**Sec. 9.5-233. Urban Residential District (UR).**

*Uses permitted as of right include:*

- Detached residential dwellings;
- Public buildings and uses;
- Home occupations--Special use permit required.
- Accessory uses;
- Vacation rental use if a special vacation rental permit is obtained under the regulations established in Code section 9.5-534.
- Attached wireless communications facilities, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(d) "Attached wireless communications facilities."
- Collocations on existing antenna-supporting structures, pursuant to article VII, division 16, section 9.5-434.5(c) "Collocations on an existing antenna-supporting structure."
- Satellite earth stations less than two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations."
- Wastewater nutrient reduction cluster systems that serve less than ten (10) residences.

*Uses permitted as minor conditional uses include:*

- Attached residential dwelling units, provided that:
- Sufficient common areas for recreation are provided to serve the number of dwelling units proposed to be developed;
- All entryways are designed and lighted to allow safe and secure access to all structures from walks and parking areas; and
- Access to U.S. 1 is by way of:
  - An existing curb cut;
  - A signalized intersection; or
  - A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;
- Institutional and institutional-residential uses, provided that access to U.S. 1 is by way of:
  - An existing curb cut;
  - A signalized intersection; or
  - A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;
- Parks and community parks.

- Replacement of an existing antenna-supporting structure pursuant to article VII, division 16, section 9.5-434.5(b) "Replacement of an existing antenna-supporting structure."
- Stealth wireless communications facilities, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(e) "Stealth wireless communications facilities."
- Satellite earth stations greater than or equal to two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations."

Uses permitted as *major conditional uses* include:

- Marinas, provided that:
  - The parcel provided for development has access to water at least four (4) feet below mean sea level at mean low tide;
  - The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;
  - All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and
  - Vessels docked or stored shall not be used for live-aboard purposes;
- Time-share estates, including uses accessory thereto, provided that:
  - The use is compatible with established land uses in the immediate vicinity;
  - Access to U.S. 1 is by way of:
    - An existing curb cut;
    - A signalized intersection; or
    - A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least four hundred (400) feet;
  - The parcel proposed for development is separated from any established residential use by a class C buffer-yard;
  - Time-share units shall have a minimum living area of nine hundred fifty (950) square feet;
  - The parcel proposed for development shall have a minimum size of four (4) acres;
  - The density does not exceed four (4) dwelling units per acre; and
  - The time share units comply with the requirements of the Florida Real Estate Time-Sharing Act [F.S. § 721.01 et seq.].
- Reserved.
- Land use overlays A, E, PF, subject to provisions of section 9.5-257.

Compatibility with Adjacent Land Uses and Effects on Community Character:

#### *Density and Intensity*

Density will not be affected by this land use amendment, for Section 9.5-268 of the Monroe County Code (MCC) permits the owners of land upon which a dwelling unit or a mobile home existed and was lawful on the effective date of this Chapter shall be entitled to a density of one (1) dwelling unit for each such unit in existence. The applicant may

replace all dwelling units that have been lawfully established and are used as principal residences.

Section 9.5-268 of the MCC distinguishes between a principal and a transient residence. Lawfully established transient residential units shall not be entitled to one (1) dwelling unit for each such unit in existence unless the current density permits. Section 9.5-4 defines a transient residential unit as a dwelling unit used for transient housing such as a hotel or motel room, or space for parking a RV or travel trailer.

The amount of lawfully established units was established in a Letter of Understanding dated February 15, 2005. It was determined there are fifty-three (53) nine lawfully established ROGO exempt units and eight (8) recreational vehicles which are not ROGO exempt to density.

#### *Use Compatibility*

The current and proposed use of the property is residential in nature. This amendment provides alternative unit types such as attached and detached residential. The map amendment will not create a conflict with community character based on use compatibility. Any future redevelopment of the site that would involve a change of use would require planning review and a possible amendment to a conditional use.

#### *Local Traffic and Parking*

The proposed map amendment is not anticipated to negatively affect local traffic and parking. The roads are already in place and maintained. Parking standards of the Code shall be met with each proposed development.

#### *Effects on Natural Resources*

The site is scarified. The proposed map changes will not adversely impact environmentally sensitive lands or natural resources. Should the property become conforming as to use and apply for substantial improvements any non-compliant aspects of the property such as but not limited to, side yard setbacks, wastewater treatment, etc. would have to be brought into compliance to the furthest extent practicable.

#### *Effects on Public Facilities*

**Objective 101.11 of the Comprehensive Plan requires** the County to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed Future Land Use Map amendment supports Objective 101.11 based on the following findings in the 2005 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater.

#### *Traffic Circulation*

U.S. Highway No. 1 is required to maintain a level of service (LOS) of C in order to support additional development. The LOS at segment 1 is a B, which is adequate to serve existing and proposed uses. This level of service will not be significantly affected by approving a map amendment from URM-L to UR.

#### *Solid Waste*

An average mobile home typically generates 1.28 to 1.96 tons of solid waste a year. This is slightly less than an average single-family house which generates 2.15 tons of solid waste per year. Monroe County has a solid waste haul out contract with Waste Management Inc. that authorizes use of the in-state facilities through September 30, 2016, thereby providing the County with approximately 10 years of guaranteed capacity. The proposed land use district map amendment will affect solid waste, but not significantly.

#### *Potable Water*

In 2002, South Florida Water Management District approved an increase in Florida Keys Aqueduct Authority's Water Use Permit. Monroe County's Public Facilities Capacity Assessment Report indicates that there are over 100 gallons of water available per person per day. The 100 gallons per person per day standard is commonly accepted as appropriate and is reflected in Policy 701.1.1 of the Year 2010 Comprehensive Plan.

#### *Stormwater*

No increase in stormwater runoff will result from this land use change. **Section 9.5-293** of the Land Development Regulations requires that all developments retain stormwater on site following Best Management Practices (BMP's). Further, single-family homes shall be designed to meet state water quality standards set forth in Chapters 17.3, 17.25, and 17.40 of the Florida Administrative Code.

#### **Effects on Redevelopment/Infill Potential:**

The site is currently developed with very little open space. The site contains fifty-three (53) lawfully established ROGO exempt units and eight (8) recreational vehicles which are not ROGO exempt to density.

The current land use district limits the type of residential units to mobile homes and recreational vehicles. Commercial retail is limited to 2,500 square feet. The Urban Residential district offers a wider variety of residential uses including detached, institutional, and attached units.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on item number iv of Section 9.5-511(d)(5) which cites “new issues” as a viable reason to pursue a map amendment and zoning change. The relevant new issues are Staff’s recommendation for a land use map change and the proposed AICUZ map which states that mobile homes should be prohibited.
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6. **The Future Land Use Map (FLUM)** of the Monroe County Year 2010 Comprehensive Plan designates the subject property as Residential High (RH).
7. **Policy 101.4.4** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the RH category is to provide for high density single family, multifamily, and institutional residential development, including mobile homes and manufactures housing, located near employment centers.
8. **Pursuant to Policy 101.4.21**, the density and intensity standards of the **Residential High (RH)** Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation.
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.

#### **CONCLUSIONS OF LAW:**

1. The proposed map amendment meets the fourth (iv) criteria outlined in Section 9.5-511 of the Monroe County Land Development Regulations and will not have

a negative impact or alter the character of the subject property or the immediate vicinity. Whereas URM-L restricts the residential type to mobile homes, UR expands the residential types to attached and detached. The proposed AICUZ states that mobile homes are not compatible and should be prohibited in the Noise 2 Zone.

2. The density and intensity standards of the Residential High (RH) Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation and are thus supported by Policy 101.4.21.

**RECOMMENDATION:**

Based on the above Findings of Fact and Conclusions of Law, the Planning and Environmental Resources Department, the Development Review Committee and the Planning Commission recommend **APPROVAL** to the Board of County Commissioners for the proposed Land Use Map amendment from Urban Residential Mobile -Limited (URM-L) to Urban Residential (UR) for parcel 00124540.000000.

PLANNING COMMISSION  
RESOLUTION # P 13-06

**PLANNING COMMISSION RESOLUTION NO. 13-06**

A RESOLUTION BY THE PLANNING COMMISSION **APPROVING** THE REQUEST BY ITNOR CORPORATION TO AMEND THE LAND USE DISTRICT FOR THE FOLLOWING PROPERTY FROM URBAN RESIDENTIAL MOBILE-LIMITED (URM-L) TO URBAN RESIDENTIAL (UR). THE PROPERTY IS PHYSICALLY LOCATED ON LAUREL AND 2<sup>ND</sup> AVENUE AND IS LEGALLY DESCRIBED AS STOCK ISLAND MALONEY SUB PB1-55 LOTS 1 THRU 7 & ADJ BAY BTM LOTS 11 TO 21 INC SQR 32 G48-164-65, STOCK ISLAND, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBER IS 00124540.000000, AT APPROXIMATE MILE MARKER 5.

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**WHEREAS**, the Planning Commission during a regular meeting held on April 12, 2006 conducted a review and consideration of the request filed by Itnor Corporation to amend the Land Use District Map of the following property from Urban Residential Mobile-Limited (URM-L) to Urban Residential (UR). The Future Land Use designation is Residential High (RH); and

**WHEREAS**, at its February 21, 2006 meeting in Marathon, the Development Review Committee (DRC) reviewed the application and recommended approval of this Future Land Use Map amendment as indicated in the DRC Resolution D-06; and

**WHEREAS**, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

**WHEREAS**, after further review of the application and consideration of facts, staff recommended approval to the Planning Commission as indicated in the Staff Report dated March 17, 2006; and

**WHEREAS**, the Planning Commission further reviewed the application and made the following **Finding of Facts**:

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on item number iv of Section 9.5-511(d)(5) which cites "new issues" as a viable reason to pursue a map amendment and zoning change. The relevant new issues are Staff's recommendation for a land use map change and the proposed AICUZ map which states that mobile homes should be prohibited.

3. The pre-1986 zoning of the property was Multiple Family Residential District (RU-3). This designation is consistent with the established residential use of the property.
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use (zoning) district of the subject property was changed from RU-3 to URM. This designation continued until 1996 when it was changed to Urban Residential Mobile Limited (URM-L).
5. **Section 9.5-205.1 states that the purpose of the URM-L District** is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.
6. **The Future Land Use Map (FLUM)** of the Monroe County Year 2010 Comprehensive Plan designates the subject property as Residential High (RH).
7. **Policy 101.4.4** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the RH category is to provide for high density single family, multifamily, and institutional residential development, including mobile homes and manufactures housing, located near employment centers.
8. **Pursuant to Policy 101.4.21**, the density and intensity standards of the **Residential High (RH)** Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation.
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.

**WHEREAS**, the Planning Commission made the following **Conclusions of Law**:

1. The proposed map amendment meets the fourth (iv) criteria outlined in Section 9.5-511 of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the subject property or the immediate vicinity. Whereas URM-L restricts the residential type to mobile homes, UR expands the residential types to attached and detached. The proposed AICUZ states that mobile homes are not compatible and should be prohibited in the Noise 2 Zone.
2. The density and intensity standards of the Residential High (RH) Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation and are thus supported by Policy 101.4.21.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following amendment to the Land Use District Map.

**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida at a regular meeting held on the 12<sup>th</sup> day of April, 2006.

James D. Cameron, Chair  
Julio Margalli, Vice Chair  
Michelle Cates Deal, Commissioner  
Randolph D. Wall, Commissioner  
Sherry Popham, Commissioner  
Department of Health (by FAX)  
Department of Public Works (by FAX)  
Department of Engineering (by FAX)

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PLANNING COMMISSION OF MONROE  
COUNTY, FLORIDA

By \_\_\_\_\_  
James D. Cameron, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2006

DEVELOPMENT REVIEW COMMITTEE  
RESOLUTION #D 03-06

**DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. D 20-05**

A RESOLUTION BY THE DEVELOPMENT REVIEW COMMITTEE  
**APPROVING** THE REQUEST BY ITNOR CORPORATION  
TO AMEND THE LAND USE DISTRICT FOR THE  
FOLLOWING PROPERTY FROM URBAN RESIDENTIAL  
MOBILE-LIMITED (URM-L) TO URBAN RESIDENTIAL  
(UR). THE PROPERTY IS PHYSICALLY LOCATED ON  
LAUREL AND 2<sup>ND</sup> AVENUE AND IS LEGALLY  
DESCRIBED AS STOCK ISLAND MALONEY SUB PB1-55  
LOTS 1 THRU 7 & ADJ BAY BTM LOTS 11 TO 21 INC  
SQR 32 G48-164-65, STOCK ISLAND, MONROE  
COUNTY, FLORIDA. THE REAL ESTATE NUMBER IS  
00124540.000000, AT APPROXIMATE MILE MARKER 5.

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**WHEREAS**, the Development Review Committee, during a regular meeting held on February 21, 2006 conducted a review and consideration of the request filed by Itnor Corporation to amend the Land Use District Map of the following property from Urban Residential Mobile-Limited (URM-L) to Urban Residential (UR). The Future Land Use designation is Residential High (RH); and

**WHEREAS**, after further review of the application and consideration of facts, staff recommended approval to the Development Review Committee as indicated in the Staff Report dated February 21, 2006; and

**WHEREAS**, the Development Review Committee further reviewed the application and made the following **Finding of Facts**:

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on item number iv of Section 9.5-511(d)(5) which cites "new issues" as a viable reason to pursue a map amendment and zoning change. The relevant new issues are Staff's recommendation for a land use map change and the proposed AICUZ map which states that mobile homes should be prohibited.
3. The pre-1986 zoning of the property was Multiple Family Residential District (RU-3). This designation is consistent with the established residential use of the property.
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use (zoning) district of the subject property was changed from RU-3 to URM. This designation continued until 1996 when it was changed to Urban Residential Mobile Limited (URM-L).

5. **Section 9.5-205.1 states that the purpose of the URM-L District** is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.
6. **The Future Land Use Map (FLUM)** of the Monroe County Year 2010 Comprehensive Plan designates the subject property as Residential High (RH).
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8. **Pursuant to Policy 101.4.21**, the density and intensity standards of the **Residential High (RH)** Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation.
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.

**WHEREAS**, the Development Review Committee made the following **Conclusions of Law**:

1. The proposed map amendment meets the fourth (iv) criteria outlined in Section 9.5-511 of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the subject property or the immediate vicinity. Whereas URM-L restricts the residential type to mobile homes, UR expands the residential types to attached and detached. The proposed AICUZ states that mobile homes are not compatible and should be prohibited in the Noise 2 Zone.
2. The density and intensity standards of the Residential High (RH) Future Land Use designation corresponds with the Urban Residential (UR) land use zoning designation and are thus supported by Policy 101.4.21.

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA**, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Planning Commission of the proposed amendment to the Land Use District Map.

**PASSED AND ADOPTED** by the Development Review Committee of Monroe County at a regular meeting held on the 21<sup>st</sup> day of February, 2006.

Heather Beckmann, Sr. Planner	<u>YES</u>
Ralph Gouldy, Sr. Administrator of Environmental Resources	<u>YES</u>
David Dacquisto, Director of Island Planning	<u>YES</u>
Joe Haberman, Planner	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF  
MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Aref Joulani, DRC Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2006